

State of North Carolina
Department of Environment,
Health and Natural Resources
Regional Health Office

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
Leesha L. Fuller, Regional Manager



NOTICE OF REGULATORY REQUIREMENTS

April 12, 1995

CERTIFIED MAIL Z-691 946 337
RETURN RECEIPT REQUESTED

Dan Shine
Sun Refining and Marketing Company
Eleven Penn Center
1835 Market Street
Philadelphia, PA 19103-2990

SUBJECT: Hall Property, Harold, 108 West Main Street, Jamestown, North Carolina,
Guilford County
Groundwater Incident Number 10002

Dear Mr. Shine:

Information received by this office on August 31, 1992 confirms a release from the underground storage tank system at the above referenced site. This letter is a standard notification to advise you of the legal requirements pertaining to such a release under North Carolina law. The Division of Environmental Management administers the State's rules for underground storage tanks and the required corrective action for petroleum releases adopted pursuant to Chapter 143 of the North Carolina General Statutes. The State rules for underground storage tanks are located in Title 15A, Subchapter 2N of the North Carolina Administrative Code (NCAC). Also, the State rules for groundwater contamination are located in Title 15A, Subchapter 2L of the Code. Pursuant to 15A NCAC 2N .0203, Mid-State Oil Company is the operator of the underground storage tanks and therefore must comply with the release response and corrective action requirements of the State's rules. *A copy of this section of the rules (.0700) is attached for your reference.*

The Comprehensive Site Assessment was received by our office on October 4, 1994 from the tank owner.

A corrective action plan is required if in-situ soil concentrations are detected above State action levels (see sections 6.0 and 8.0 of the *Groundwater Section Guidelines for the*

Remediation of Soils and Groundwater, March 1993, Revision June 1994, for guidance pertaining to soil clean-up levels and soil excavation procedures) and/or groundwater concentrations exceed groundwater standards (see Title 15A, Subchapter 2L .0202 for the State groundwater quality standards). If the State's groundwater has been contaminated, Title 15A, Subchapter 2L .0106 requires that a corrective action plan be submitted, approved, and implemented until such time that Mid-State Oil Company can demonstrate that continuation of the corrective action plan would not result in any significant reduction in the concentration of contaminants. If a corrective action plan is required, then it must be submitted to the Winston-Salem Regional Office by no later than 60 days after receipt of this letter, and public notice of the plan must be provided pursuant to 15A NCAC 2N .0708.

Please note that your responsibility is for the petroleum contamination.


With the exception of the 20 day report required by 15A NCAC 2N .0703, the Winston-Salem Regional Office may establish, in writing, an alternate compliance schedule for the remaining requirements of the corrective action rules and may allow certain of the required reports to be combined. In order for such an alternate compliance schedule to be considered, Mid-State Oil Company must contact the Winston-Salem Regional Office immediately and follow-up in writing with a proposed schedule. Otherwise the requirements and deadlines of each rule are expected to be complied with. Upon any violations of established deadlines, no further notice will be sent and this office may immediately request that enforcement measures be commenced.

In accordance with G.S. 143-215.6A, failure to comply with the State's rules may result in the assessment of civil penalties against Mid-State Oil Company of up to \$10,000 per rule violation. Also, if groundwater standards have been exceeded under 15A NCAC 2L .0202, Mid-State Oil Company may also be assessed a civil penalty of up to \$10,000 for each standard violation. Each day that a violation continues may be considered a separate violation.

Failure to comply with the corrective action rules may also result in the Attorney General of the State requesting an injunction in Superior Court requiring the necessary measures. Also any willful or knowing noncompliance which allows groundwater standards to continually be exceeded could result in criminal sanctions being sought under G.S. 143-215.6B.

To arrange for an alternate compliance schedule, you should contact Sabra M. Elder, of the Winston-Salem Regional Office, at the letterhead address and/or telephone number.

Sincerely,



Larry D. Coble
Regional Supervisor

LDC/SVK/sme

Enclosures

cc: ~~Winston-Salem Regional Office~~
State Trust Fund Group